REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

Rejection of claims 1-5 and 8-12 under 35 U.S.C. § 103(a)

Claims 1-5 and 8-12 presently stand rejected as being unpatentable over Peyret et al (U.S. 5,923,884) in view of Raith (U.S. 6,493,550) and Wambach et al (U.S. 6,330,648). This rejection is respectfully traversed for at least the following reasons.

Independent claims 1, 4, 8 and 12 are currently amended, as presently shown above in the "Amendment to the Claims." In the amendment of claims 1, 4, 8 and 12, each of these independent claims clarifies that the loader interface cannot access the address space once it is assigned with the load application, and the load application is given full access to the assigned address space. This amendment makes explicit that which was implicit in these claims as originally filed. Support for this language is provided in the original specification on page 6, second and third full paragraphs.

Claim 1 is further amended to recite that the load application is configured to load at least one application program into said assigned address space. Support for this language is provided in the original specification on page 6, second and third full paragraphs.

It is respectfully submitted that the proposed combination of Peyret, Raith, and Wambach fails to disclose or suggest a loader interface that does not access the address space once it is assigned with the load application, while the load application is given full access to the address space. With respect to amended claim 1, it is further submitted that the cited references fail to disclose or suggest that a loader interface loads a second loader (the load application configured to load at least one application program into the assigned address space according to claim 1). Accordingly, the combination of Peyret, Raith, and Wambach fails to establish a prima facie case of obviousness against the pending claims.

Peyret describes a ***single universal loader***, and not, as specifically required by the pending independent claims, a loader interface that cannot access an assigned space once the assigned space is loaded with a load application which is granted full access to the assigned space. There is no teaching or suggestion that, after loading an application into available memory, Payret's universal loader ***gives up*** any type of access to (cannot access) the memory space that is occupied by the loaded application. With respect to claim 1, there is no teaching or suggestion that a load application is loaded by the single universal loader that is itself a loader for further loading of at least one application program.

The Peyret et al. patent describes a smart card which enables the loading of applications and associated use rights into memory at any time (col. 3, lines 46-53). When loading the application, a universal single loading program is provided (col. 3, lines 54-60; col. 6, lines 15-22; col. 7, 10-13). In respect to the logical structure description, the single loading program is referred to as a conditional application loader, or, otherwise, as a "universal" loader.

As specified by the Peyret et al. patent, the universal loader controls the loading process (col. 6, lines 20-22) by examining, whether sufficient free memory is provided by the card for the application to be loaded (col. 7, lines 10-13), and if necessary, causes that old applications with invalid use rights are cancelled or overwritten (col. 7, lines 13-16). Moreover, the universal loader examines the authorization for performing a loading process (col. 7, lines 43-53). Applications (applets) are loaded along with "use rights" that determine a user's rights to use the application.

Peyret states that "the use rights of any applet within the smart card may be changed by the permanent credit/debit application 66. In a preferred embodiment of the invention, the ***loader 62 and the credit/debit application 66 may be a single program*** since both programs operate on all of the applets having use rights. For example, an applet with use rights needs the credit/debit application to authorize the reload if the applet when the use rights have been depleted [...]" (col. 6, lines 37-42). Thus, it is clear that the loader 62 ***does not give up access*** to memory belonging to or associated with the applet.

In view of the description of the universal loader by the Peyret et al. patent, it is submitted that nowhere is there any description of a loader interface that cannot access an assigned address space after a load application is assigned to the assigned address space, while the load application is given full access to the assigned address space.

The examiner appears to concur, stating in the recent Official Action that "[Peyret] is silent on equipped with a communication device and wherein the loader interface cannot access an assigned address space after a load application is assigned to the assigned address space."

Raith is entirely silent on the use of a loader or any other means of loading applications onto a smart card, and therefore fails to supplement the shortcomings of Peyret regarding wherein a loader interface that loads a load application into an assigned address space, and then cannot access the assigned address space after the load application is assigned to (loaded into) the assigned address space. The examiner turns to Wambach for this proposition. However, Wambach provides no teaching or suggestion of a loader interface that loads a load application into an assigned address space, and then cannot access the assigned address space after the load application is assigned to (loaded into) the assigned address space. Moreover, Wambach provides no useful teaching or suggestion that, even in combination with Peyret and Raich, would lead one of skill in the art to the claimed invention.

Wambach discloses a "write protection circuit – operating independently of [a] computer – which prevents ***any write requests*** specifying the mass memory locations [...]" (col. 1, lines 44-47) (emphasis added). While Wambach restricts write requests, it must be noted that read access is not addressed. There is no indication that Wambach restricts any read access to any memory region by any application or hardware. Wambach further discloses "a ***user-controlled*** protect enable switch for enabling and temporarily disabling the write protection circuit" (col. 1, lines 48-50) (emphasis added).

Wambach thus fails to disclose or suggest a means of denying access to a loader interface, while ***at the same time granting*** access to a load application, because Wambach

only discloses a circuit that prevents (at a hardware or circuit level) any write requests (by any application) under the control of a user controlled protect enable switch.

The provision of a user controllable circuit for prohibiting write access to any application differs substantially from the claimed loader interface which loads a load application into an assigned address space and then turns over control of the address space to the load application, wherein the load application, once loaded into its assigned address space, is not restricted in any manner with respect to its access to the assigned address space.

It is respectfully submitted that, for at least these reasons, the combination of Peyret, Raith, and Wambach fails to disclose or suggest a loader interface that does not access the address space once it is assigned with the load application, while the load application is given full access to the address space, and that therefore Peyret, Raith, and Wambach fail to establish a prima facie case of obviousness against the pending claims. It is respectfully submitted that the independent claims 1, 4, 8, and 12, and their respective dependent claims, are allowable over the cited references, and withdrawal of the rejection is therefore requested.

Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-12 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

Respectfully submitted,

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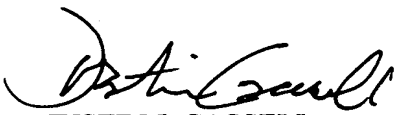

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